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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,379	11/14/2003	Tsuyoshi Kamiya	01198.0279	9590
22852	7590	10/02/2007	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				VANTERPOOL, LESTER L
ART UNIT		PAPER NUMBER		
3782				
MAIL DATE		DELIVERY MODE		
10/02/2007			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/712,379	KAMIYA ET AL.	
	Examiner	Art Unit	
	Lester L. Vanterpool	3782	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on July 2, 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,4-6 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,4-6 and 8 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>July 6, 2007</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1, 2, 4, 5, 6 & 8 are rejected under 35 U.S.C. 102(b) as being anticipated by De Silva et al., (U.S. Patent Number 6131782).

De Silva et al., discloses the pair of roof rails (12 & 14) (See Figure 1) extended in parallel each other and connected to a roof of a vehicle (16);

a cross rail (24 & 26) for connecting the roof rails (12 & 14) (See Figure 1);

stopper mechanism (66) including a handle (74) operable for fixing the cross rail (24 & 26) to the roof rails (12 & 14), the stopper mechanism (See components of 48, 50, 52, 56, 58, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80 & 82 in Figure 2) comprising the cam member (66) having a projection portion (76) and the contact member (80), the cam member (66) having a convex portion (72) configured to maintain the projection portion (76) at the stopping position (See Column 5, lines 1 – 6) (See Figures 2 & 9);

wherein the cross rail (24 & 26) is movable relative to the roof rail (12 & 14) when the handle (74) is at a first position and the cross rail (24 & 26) is immovable relative to the roof rail (12 & 14) when then handle (74) is at a second position (See Column 5, lines 26 – 28) (See Figure 2);

a spring (62) fitted in an attaching groove (42 & 44) formed on a holder (60) and inserted into an opening portion (See Figures 2, 3 & 5) of the roof rail (14) to be maintained and a rim portion (21) of the opening portion (See Figure 5) of the roof rail (14 / 21) is sandwiched between the holder (60) and the spring (62) (See Figure 5; wherein the spring (62) is on both sides of the rail rim (21) (See Figure 3); and wherein the roof rails (12 & 14) compressively contact the holder (60) movable relative to the roof rails (12 & 14) upon movement of the contact member (80) relative to the cam member (78) by rotation of the projection (76) against the convex portion (72) until reaching the stopping position when the handle (74) is at the second position, and a shaft (70) penetrates holes (See Figure 2) provided at the central portion of the cam member (66) and the contact member (80) (See Figure 2).

Regarding claim 2, De Silva et al., discloses the roof rails (12 & 14) compressively contact by the movement of the contact member (80) when the handle (74) is at the second position (See Figures 2, 5 & 9).

Regarding claim 4, De Silva discloses the holder (60) is compressively contacted with the roof rails (12 & 14) by the cam member (66) when the handle (74) is at the second position (See Column 5, lines 56 – 67) & (See Column 6, lines 1 – 5) (See Figures 2, 6 & 9).

Regarding claim 5, De Silva et al., discloses the pair of roof rails (12 & 14) extended in parallel to each other and connected to a roof of a vehicle (16) (See Figure 1);

a cross rail (24 & 26) for connecting the roof rails (12 & 14); and

stopper mechanism (66) including a handle (74) operable for fixing the cross rail (24 & 26) to the roof rails (12 & 14), the stopper mechanism See components of 48, 50, 52, 56, 58, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80 & 82 in Figure 2 comprising a cam member (66) having a convex portion (72) and a contact member (See underside lower surface of (74) in Column 5, lines 1 & 2) having a projection portion (76) for engaging the convex portion (72) rotatably until reaching the stopping position (See Column 5, lines 1 – 6) (See Figures 2 & 9);

wherein the cross rail (24 & 26) is movable relative to the roof rail (12 & 14) when the handle (74) is at a first position and the cross rail (24 & 26) is immovable relative to the roof rail (12 & 14) when the handle (74) is at a second position (See Column 6, lines 1 – 5) (See Figure 9);

and wherein the roof rails (12 & 14) compressively contact a holder (60) movable relative to the roof rails (12 & 14) upon movement of the contact member (See underside lower surface of (74) in Column 5, lines 1 & 2) relative to the cam member (66) when the handle (74) is at the second position, and a shaft (70) penetrates holes provided through central portions of the cam member (66) and the contact member (See underside lower surface of (74) in Column 5, lines 1 & 2) (See Figure 2).

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Regarding claim 6, De Silva et al., discloses the roof rails (12 & 14) compressively contact by the movement of the contact member (See underside lower surface of (74) in Column 5, lines 1 & 2) when the handle (74) is at the second position (See Figures 2 & 9).

Regarding claim 8, De Silva et al., discloses the holder (60) is compressively contacted with the roof rails (12 & 14) by the cam member (66) when the handle (74) is at the second position (See Column 5, lines 56 – 67) & (See Column 6, lines 1 – 5) (See Figures 2, 6 & 9).

Response to Arguments

Applicant's arguments filed July 2, 2007 have been fully considered but they are not persuasive.

Applicant argues prior art of record DeSilva '782 does not disclose interaction of a projecting portion and a convex portion in the stopper mechanism, configured to maintain the projecting portion at the stopping position.

Examiner disagrees, prior art of record DeSilva '782 discloses the interaction of the projecting portion (76) and a convex portion (72) in the stopper mechanism, configured to maintain the projecting portion at the stopping position in Figure 2.

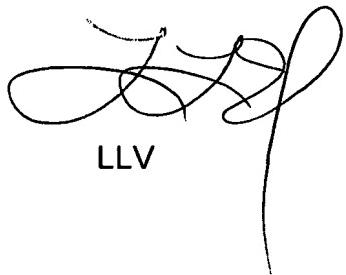
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



LLV



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